



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

January 30, 2023

BY ECF

The Honorable Vernon S. Broderick
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

USDC SDNY
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Re: *United States v. Juan Reyes*, 22 Cr. 147 (VSB)

Dear Judge Broderick:

The Government writes, with the consent of defense counsel, to request that this case be consolidated under Federal Rule of Criminal Procedure 13 with the charges in case number 21-cr-570, currently pending before the Honorable Mary Kay Vyskocil.

As the Government explained in its related-case letter submitted to this Court and to Judge Vyskocil on September 28, 2022, the conduct charged in this case is factually related to the conduct charged in Case Number 21-cr-570. In particular, the Indictment in this case charges the defendant with illegally possessing a .45 caliber handgun (the “45 Caliber Handgun”), which was recovered from the defendant’s person when he was arrested near the corner of Willis Avenue and East 138th Street on or about November 7, 2021. In Case Number 21-cr-570, the defendant is charged with participating in a shooting (the “Shooting”) on or about November 7, 2021, and the Shooting took place shortly before the defendant’s arrest approximately three blocks away from the place where the defendant was arrested. Because the defendant allegedly possessed the 45 Caliber Handgun close in time and place to the alleged Shooting, the charges in both cases arise from the same transaction and are therefore properly consolidated under Rule 13. *See, e.g., United States v. Urlacher*, 979 F.2d 935, 937 (2d Cir. 1992) (consolidation proper under Rule 13 when offenses charged are properly joined under Rule 8). Moreover, Government counsel has conferred with the defense since the Government’s related case letter was initially filed, and the defendant has no objection to consolidating the cases. *See United States v. Woodner*, 24 F.R.D. 33, 36 (S.D. N.Y. 1959).

Should the Court grant the parties’ request, the parties further request that the Court adjourn the upcoming February 3, 2023 status conference until February 15, 2023 at 2:00 PM, which is the next scheduled conference in Case Number 21-cr-570. Further, the Government requests that the Court enter an order excluding time between February 3, 2023 and February 15, 2023 under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), in the interest of justice. The time will allow defense counsel a further opportunity to discuss the case with the defendant, consider what, if any, pre-

trial motions may be appropriate, and to have further discussions with the Government about a potential disposition of this case without trial.

Respectfully submitted,

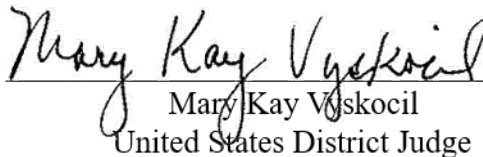
DAMIAN WILLIAMS
United States Attorney

By: _____/s_____
Christopher D. Brumwell
Assistant United States Attorney
212-637-2477

CC: Chambers of The Honorable Mary Kay Vyskocil (by email)

Consolidation is GRANTED on consent. SO ORDERED.

Date: 5/16/2023
New York, New York


Mary Kay Vyskocil
United States District Judge